[25th November 1952

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ADJOURNMENT MOTIONS.

(1) HUNGER-STRIKE OF WORKERS OF RAJA RAJESWARI WEAVING MILLS, AZHIKODE.

MR. SPEAKER :—" I have received notice of an adjournment motion from Sri K. P. Gopalan. The motion reads as follows :—

'This Assembly hereby stands adjourned to discuss a matter of urgent public importance, namely, the failure of the Government to take effective and urgent steps to reinstate the illegally retrenched 69 workers from the Raja Rajeswari Weaving Mills, Azhikhode, Baliapatam, North Malabar, resulting in mass hunger strike in front of the factory causing alarm to the public.'

* SRI K. P. GOPALAN :—" Mr. Speaker, Sir, I have brought this adjournment motion to bring to the notice of the Government how the factory owners of Raja Rajeswari Weaving Mills, Azhikhode, are violating the laws of the land. "

MR. SPEAKER :—" The State is not responsible for that."

* SRI K. P. GOPALAN :—" I shall explain myself, Sir. Regarding the factory in question here, there is a dispute pending before the Appellate Tribunal, Bombay. As per the Trade Disputes Act, if there is an appeal pending before the Appellate Tribunal, the factory owners cannot dismiss a worker or reduce the wages of the workers."

MR. SPEAKER :—" Is there no remedy for this except by way of an adjournment motion? "

* SRI K. P. GOPALAN :—" Sir, it is brought here to the notice of the Government so that they may enforce the existing laws and see that the factory owners do not go against the laws, and also reinstate the workers who have been retrenched. In this particular case, Sir, the Trade Union itself sent a telegram on this matter to the Hon. Minister for Labour and the Labour Department stating that the Management have openly violated the existing law and illegally dismissed certain workers. Sir, according to the Trade Union law if a worker has to be discharged from the factory he must be given 14 days' notice or he must be given 14 days' wages. In this case it is an open violation of the Trade Disputes Act as well as the Trade Unions Act. The workers were not only dismissed; they were caught by their neck and pushed out of the factory. It is in this way the management dismissed some of the workers, and this has resulted in mass hunger strike by the workers. Sir, here is a clear case of the violation of the ordinary law of the land by the management and the Government failing to carry out their duty. The factory owners have violated the laws of the land by dismissing the workers against the strict provisions of the law and the Government have not done anything to protect the workers against that action. In this particular case I want to bring to the notice of the Government that the action of the management in dismissing certain workers is illegal. It is the duty of this House and it is the duty of the Government to see that the workers are reinstated and to bring home to the factory management that they

cannot reduce the wages of the workers or dismiss them at their whim and fancy. I bring this matter to the notice of the Government so that they may take immediate steps to reinstate the dismissed workers and also safeguard the interests of the workers and see that the existing laws of the country are obeyed. So I request Government to intervene in this matter and take effective and urgent steps to see that the factory owners are made to understand that they cannot do as they please violating the laws of the country, and ask them to reinstate the dismissed workers."

SRI P. RAMAMURTHI :—" Mr. Speaker, Sir, the only question which we are now considering in this motion for adjournment is whether this is a definite matter of urgent public importance and whether the Government could in any way be held responsible for the particular circumstances that have arisen." 11-40 a.m.

MR. SPEAKER :—" I do not see how the Government are responsible."

SRI P. RAMAMURTHI :—" This is just what I want to explain. The whole question here is that there is an adjudication pending in respect of this very factory under the existing law which the Government are expected to uphold and administer. During the pendency of an adjudication, when a dispute is before an adjudicator the employer is not entitled to change the terms of service nor is he entitled to dismiss any person. This employer has now dismissed some people in contravention of the existing law. This is how the Government come in and, if they do not move in the matter and see to it that the trade union law as it exists to-day is properly enforced and administered . . ."

MR. SPEAKER :—" Are there no other methods by which this can be done? Where is the necessity for this House to stop its business and consider this matter?"

SRI P. RAMAMURTHI :—" Sir, there is unfortunately no other method. The point is that the worker cannot go to a court of law, nor is it a case where the courts can take cognizance of offences under the Industrial Disputes Act. Unless it is moved by the Government we cannot take it to a court of law. Therefore the responsibility of the Government comes in here. If I go before a court and say, ' look here, this employer has contravened the law, please take action against him ', the court will not entertain my request. It is only the Government that can move the Court."

THE HON. DR. U. KRISHNA RAO :—" You can go to the Tribunal."

SRI P. RAMAMURTHI :—" Sir, the trouble is that we cannot do so and that is why the adjournment motion that is now before the House is in order."

MR. SPEAKER :—" May I know when the strike took place and what the Hon. Minister for Labour has got to say on this subject?"

THE HON. DR. U. KRISHNA RAO :—" Sir, this subject has been sprung upon me by surprise. So far as I am aware, if during the pendency of a dispute, the management or labour take any action, the proper course is to move the Industrial Tribunal. If the hon. Member had brought this fact to my notice I would have certainly made some enquiries, but the hon. Member has not done so."

MR. SPEAKER :—" May I know when the strike took place? "

* SRI K. P. GOPALAN :—" On 15th November 1952, the manager dismissed three workers from the factory with 8 to 14 years of servcie. He again dismissed another worker on the 21st November. The next day, 22nd November, he dismissed 35 women workers and 30 boys. The satyagraha started on the 19th November and the hunger strike from the 24th November."

THE HON. DR. U. KRISHNA RAO :—" Sir, my submission is that, however much we may sympathize with the labourers, there are other methods which they must exhaust before they can come to this House, which they have not done."

MR. SPEAKER :—" I have heard enough from both sides and I am going to give my considered ruling straightway. A hunger strike or a fast can never become the subject matter of an adjournment motion, nor are they fit subjects for adjournment motions. If the workers go on a hunger strike, they do so voluntarily. The Government do not ask them to go on a hunger strike.

" There is also another motion from my hon. Friend, Sri Vavilala Gopalakrishnaiah, about the fast undertaken by Sri Potti Sriramulu, on which also I am going to give my ruling now.

Apart from this, the motion before the House now is—

'This Assembly hereby stands adjourned to discuss a matter of urgent public importance, namely, the failure of the Government to take effective and urgent steps to reinstate the illegally retrenched 69 workers from the Raja Rajeswari Weaving Mills, Azhikhode, Baliapatam, North Malabar, resulting in mass hunger strike in front of the factory causing alarm to the public.'

" If the facts are as stated in the motion, there are other ways by which these retrenched workers can be reinstated. The Government have no responsibility in the matter. I therefore rule the motion out of order."

(2) SRI POTTI SRIRAMULU'S FAST ON THE ANDHRA PROVINCE ISSUE.

MR. SPEAKER :—" Sri Vavilala Gopalakrishnaiah has given notice that,

'This House do stand adjourned to discuss a definite matter of urgent public importance, namely, the serious situation arising out of the 38 days' fast of Sri Potti Sriramulu on the Andhra Province issue, who is in a serious condition and the Government's attitude upon it.'

" I had advised him privately that it was not a proper subject to be brought as an adjournment motion and, in spite of that, he